IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10665 of 2004

Between:
K. Venkatesh, S/o. Pentaiah,
R/o. Hayapriya Apartments, 4th Floor, Nacharam, Hyderabad.
..... PETITIONER

AND

1 The Deputy Commissioner of Prohibition and Excise, Nampally, at Hyderabad.
2 The Prohibition and Excise Station Inspector, Narayanaguda, Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not disposing of the Application Cr.No.C2/3538/03 filed by the petitioner as illegal and arbitrary and consequently direct the 1st respondent to dispose of the appeal in Cr.No.C2/3538/03 filed by the petitioner expeditiously.

For the Petitioner: SMT.C.VANI REDDY, Advocate

For the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not releasing the vehicle bearing No. AP 28 AD 284 (HERO PUCH), which was seized with reference to crime No.C2/3538/2003.

2. According to the petitioner, the vehicle was seized by the first respondent with reference to which a crime was also registered against two persons, who are related to the petitioner. But according to the petitioner, he is the owner of the vehicle and he is no way connected with the alleged transportation of illicit liquor. Therefore, the petitioner approached the first respondent for release of the vehicle. Though the first respondent directed the Prohibition and Excise Station Inspector – second respondent herein, to get the value of the vehicle determined by the impugned proceedings, so far, the value was not determined. Therefore, the petitioner has come up with the present writ petition to get the vehicle released. It is also stated that as the vehicle was kept open to the sun and rain, it is being damaged and therefore sought for release of the vehicle.

3. Heard learned counsel for the petitioner and learned Government Pleader for Home.

4. The writ petition is disposed of at the admission stage directing the first respondent to release the vehicle on condition of the petitioner furnishing a Bank Guarantee / Fixed Deposit for a sum of Rs.5,000/- (Rupees Five thousand only) along with an undertaking that he shall not alienate or encumber the said vehicle and also produce the same in the same condition, if it is required for any enquiry. The release of the vehicle shall be subject to outcome of the proceedings pending before the first respondent.

28.06.2004

Note: Furnish C.C in three days

B/o

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To

1 The Deputy Commissioner of Prohibition and Excise, Nampally, at Hyderabad.
2 The Prohibition and Excise Station Inspector, Narayanaguda, Hyderabad.
3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad(OUT)
4 Two CD copies